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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,284	02/21/2002	Paul William Chapman	3315/31	2918

7590

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EXAMINER

TRETTEL, MICHAEL

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

09/980,284

Applicant(s)

CHAPMAN ET AL.

Examin r

Michael Trettel

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

Claims 1 to 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu (5,774,917). Liu shows an air mattress that comprises a series of transversely extending air cells 1 that can be alternately inflated and deflated to move a patient laying upon the mattress. Each cell 1 is subdivided into a right cell 11 and left cell 12 split by a central partition 10, with an air inlet 34 being provided to supply each cell half with pressurized air through a pair of conduits 35, 35a. Each air cell 11, 12 include a secondary embedded air cell 2 of substantially cubic form that is separately inflated and deflated through an air inlet 31 and conduit 32. The embedded cells 2 act as a side barrier for a patient being turned by the alternate inflation and deflation of the air cells 11, 12, as shown in Figures 7 and 9. As shown in Figure 5 each embedded cell 2 is of a lesser height than the overall height of the primary air cell into which it is placed. In column 2, lines 57 to 68 and column 3, lines 1 to 11 the embedded air cells can be set at a higher pressure than the primary air cells 11, 12 when the air cells 11,12 are alternately inflated and deflated to transversely rock a patient. This is because the air cells act as a side guard for a patient, in order for them to act in this fashion they would have to be inflated to a pressure higher than the primary cell into which each cell 2 is embedded. In addition to the above, the examiner notes

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that the embedded air cells 2 are inherently capable of being inflated to a pressure higher than the primary cells 11, 12, in which case the limitations of claim 1 have been met.

***Allowable Subject Matter***

Claims 5 and 7 are allowed

***Response To Arguments***

Applicant's arguments filed on March 17, 2003 have been fully considered but they are not persuasive. The applicant has argued that claim 1 as now amended is not anticipated by the Liu reference. The examiner disagrees for the reason set forth in the rejection. The Liu reference does in fact disclose what pressure the embedded air cells 2 should be set at since they are meant to act as a built in sideguard for the mattress assembly. The primary air cells 11, 12 are alternately inflated and deflated in order to rock the patient with each embedded air cell being kept at a constant pressure during this step. This means that the embedded cell would have to inherently be at a pressure higher than the pressure of the surrounding cell 11, 12 during some point of the inflation/deflation cycle, this is best shown in Figures 7 to 9 of the Liu patent. The applicant's arguments are not persuasive as a result of this analysis.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

  
Michael Trettel  
Primary Examiner  
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